

SAN DIEGO REGIONAL WATER QUALITY CONTROL BOARD

EXECUTIVE OFFICER'S REPORT

December 8, 2004

PART A

SAN DIEGO REGION STAFF ACTIVITIES *(Staff Contact)*

1. Watershed Management Council Conference *(Bruce Posthumus)*

Debbie Woodward, Chiara Clemente, David Gibson, Stacey Baczkowski, Mike McCann, and Bruce Posthumus attended "Watershed Management on the Edge: Scarcity, Quality and Distribution," the tenth biennial conference of the Watershed Management Council, which was held in San Diego on November 15 - 19. The conference program included welcoming remarks by assembly member and state senator-elect Christine Kehoe and sessions about integrated watershed management, water supply, the California coast, borders and watersheds, wildlands/habitat management plans, river restoration, runoff and water quality, agricultural water practices, fire and watersheds, and education and outreach. David Gibson made a presentation on identifying watersheds at risk using bio-assessment techniques. Mike McCann made a presentation on municipal storm water permit compliance and water quality. Additional information about the Watershed Management Council is available at <http://www.watershed.org/wmc/index.php>.

2. Industrial Environment Association Conference *(Hashim Navrozali)*

On December 2, 2004 the Executive Officer, Michael McCann, Whitney Ghoram, Tony Felix, Sabine Knedlik, and Hashim Navrozali of the Regional Board staff attended the Industrial Environmental Association's (IEA) 3rd Annual Environmental and Regulatory Issues Conference and Exposition in San Diego. The conference was designed to provide information on the environmental and regulatory challenges that California's industrial dischargers will be dealing with in the years to come. The conference featured special sessions on water quality, air quality, hazardous material and e-waste, environmental sustainability, and biotechnology.

The special session on water quality issues included presentations by the Executive Officers of the Santa Ana, Los Angeles, and San Diego Regional Boards. The Executive Officers highlighted the regulatory issues and priorities unique to their Regions. The high priority issues emphasized by all three Executive Officers included the development and implementation of effective TMDLs, increased ambient water quality monitoring programs, and effective compliance assurance and enforcement programs.

Sabine Knedlik, Water Resource Control Engineer, of Regional Board staff made a presentation on the development of a bacterial TMDL in the San Diego Region.

The conference also included a presentation by Alexis Strauss, Director, Water Quality Division, USEPA. Ms. Strauss emphasized the need to expedite the development and implementation of TMDLs by the Regional Boards. She also mentioned a new electronic data submittal system that USEPA is in the process of developing. The new system would enable NPDES dischargers to submit their monitoring data electronically and would provide for enormous cost savings.

PART B

SIGNIFICANT REGIONAL WATER QUALITY ISSUES

1. Sanitary Sewer Overflows (SSO) *(Charles Cheng, David Hanson, Bryan Ott, Victor Vasquez)* *(Attachment B-1)*

From November 1 to November 30, 2004, there were 24 sanitary sewer overflows (SSOs) from publicly-owned collection systems reported to the Regional Board office; 11 of these spills reached surface waters or storm drains of which three resulted in closure of recreational waters. Of the total number of overflows from public systems, three were 1,000 gallons or more. The combined total volume of reported sewage from all publicly-owned collection systems for the month of November was 16,197 gallons.

Fourteen sewage overflows from private property in November were also reported; none of these overflows was 1,000 gallons or more, but two reached surface waters or storm drains. None of the private property overflows resulted in closure of recreational waters.

The total rainfall recorded at San Diego's Lindbergh Field in November 2004 was 0.33 inch. For comparison, in October 2004, 4.98 inches of rainfall were recorded, and 34 public SSOs were reported. Also for comparison, in November 2003, 0.29 inch of rainfall was recorded and 18 public SSOs were reported.

Attached is a table entitled "Sanitary Sewer Overflow Statistics," updated through November 30, 2004, which contains a summary of all sanitary sewer overflows (by FY) from each agency since FY 2001-2002. From July 1, 2004 through November 30, 2004, approximately 55.5 billion gallons of sewage were conveyed through the Region's sewage collection systems of which a total of 190,249 gallons were spilled (0.0003%).

It should be noted that the data for spill volume per volume conveyed can be easily misinterpreted for a sewer agency that has a small system size but experiences a spill of a few hundred gallons or more. The converse is also true for a sewer agency that has a large system. Hence, these numbers by themselves are not sufficiently representative of the measures being taken by a sewer agency to prevent SSOs, nor can the numbers be compared directly between agencies. The data does represent a different way to review and analyze SSO volume data as it relates to system size.

For additional information on SSO's in FY 2003-2004 see the table entitled "Public SSO Statistics Summary for FY 2003-2004 (July 1-June 30)" attached to the October 2004

Executive Officer's Report (also available on the Regional Board's website www.swrcb.ca.gov/rwqcb9). Additional information about the Regional Board's SSO regulatory program is available at the Regional Board's website at <http://www.swrcb.ca.gov/rwqcb9/programs/sso.html>.

Issuance of Notices of Violation (NOV)

One Notice of Violation (NOV) was issued during the month of November 2004 for a significant SSO.

City of Oceanside

The City of Oceanside (City) notified this office of a 600-gallon sanitary sewer overflow (SSO) from the City's wastewater collection system from a manhole near the intersection of Mesa Drive and Garrison Street that occurred on October 20, 2004. The City reported that this overflow occurred due to rain infiltration and inadequate sewer line capacity. The City reported that the overflow reached a storm drain and Loma Alta Creek tributary to the Pacific Ocean. The overflow resulted in the closure of ocean recreational waters along a section of Buccaneer Beach to prevent public contact with waters that may have been impacted by the overflow.

2. Clean Water Act Section 401 Water Quality Certification Actions Taken in November 2004 *(Stacey Baczowski) (Attachment B-2)*

Section 401 of the Clean Water Act requires that any person applying for a federal permit or license which may result in a discharge of pollutants into waters of the United States, must obtain a state water quality certification that the activity complies with all applicable water quality standards, limitations, and restrictions. The majority of project applications are submitted because the applicant is also applying for a section 404 permit from the Army Corps of Engineers, and propose filling or armoring of creeks and streams. See attached table.

Public notification of pending 401 Water Quality Certification applications can be found on our web site at: <http://www.waterboards.ca.gov/sandiego/programs/401cert.html>.

3. Grants Update *(David Gibson)*

2003 Consolidated Grants Program Update

The Regional Board is finalizing grant agreements for the few remaining Consolidated Grants program projects. Grant agreements for all but one project should be complete by November 2004. On October 21, 2004, the State Board adopted a resolution authorizing funding for this Region's Rainbow Creek Nutrient TMDL Implementation project.

Status of Phase I and Phase II Proposition 13 Grant Funded Projects

The two projects that have been behind schedule are making progress toward returning to schedule. The City of San Diego has been directed by the SWRCB to submit all previously outstanding progress reports and invoices by November 30, 2004 or risk termination of the grant for the Los Penasquitos Watershed Management Plan. The progress reports were received November 30, and are currently being reviewed for

completeness. The draft Watershed Management Plan being developed under this project is about to be released for public review and comment. The Orange County Munger Storm Drain project is nearly up to date on past-due submittals and should begin work in December. Most of the other projects funded by Proposition 13 Phase I and II are on track, even ahead of schedule. Also, the Regional Board is working with several grantees whose projects are beginning to fall behind schedule.

Agricultural Water Quality Grant Program (AWQGP) and Federal Clean Water Act Section 319 Nonpoint Source Implementation Grant Program (Section 319)

The deadline for submittal of the proposals was November 10, 2004. The SWRCB received 70 applications statewide for the AWQGP and Section 319 grant programs. Two proposals were submitted for projects in the San Diego Region. The AWQGP grant program, funded by Propositions 40 and 50, provides \$40.9 million statewide for projects that define, reduce, or eliminate the discharge of agricultural pollutants from irrigated lands. The Section 319 grant program provides approximately \$5.5 million statewide for projects that reduce nonpoint source pollution. In the current funding cycle, the Section 319 program will give priority to projects that address agricultural pollutants from irrigated lands, but projects that address other categories of nonpoint source pollution will also be considered. The grant coordinators from the nine Regional Boards will meet on December 1, 2004 to discuss the schedule for review of the proposals and the selection process. Proposal reviews should be complete by January 7, 2005.

Proposition 50 Integrated Regional Water Management (IRWM) Grant Program

The IRWM grant program is funded by Proposition 50 and administered jointly by the Department of Water Resources (DWR) and SWRCB. The program will provide \$380 million in two funding cycles for projects that protect communities from drought, protect and improve water quality, and improve local water security by reducing dependence on imported water. The first funding cycle (Step 1) will make approximately \$160 million available, \$12 million for planning projects and \$148 million for implementation projects. The second funding cycle (Step 2) will make \$220 million available for implementation projects.

The IRWM grant program has stringent eligibility criteria that limit funding to regional water management efforts. Eligibility criteria and details of the application process are described in the draft IRWM grant program guidelines posted at <http://www.swrcb.ca.gov/funding/irwmgp/index.html>. The guidelines were adopted by the SWRCB on November 18, 2004. The draft Public Solicitation of Proposals (PSP) for Step 1 planning and implementation grants will be released in mid-December 2004. At least one workshop will be held and (web-broadcast) on the PSP in Sacramento. The Step 2 PSP will be released before the Step 1 grant proposal submittal deadline.

Water Recycling Funding Program (WRFPP)

The WRFPP, funded primarily by Proposition 50, will provide approximately \$42M statewide in this current funding cycle for the planning, design, and construction of water recycling projects. The SWRCB adopted the Water Recycling Guidelines on October 21,

2004. The guidelines are posted at <http://www.swrcb.ca.gov/recycling/draftguidelines/index.html>. The SWRCB is currently accepting application packages for Proposition 50 construction grant funds and is developing the Competitive Project List (CPL) for construction projects. Interested parties are being asked to complete expanded informational questionnaires or update previous information submitted by December 21, 2004. The CPL questionnaire process, using the Financial Assistance Application Submittal Tool (FAAST) submittal system, is posted on the SWRCB website at: <http://central/oit/faast/index.html>. No informational questionnaires have been submitted as of November 23, 2004. The SWRCB expects to adopt a draft Competitive Project List in January 2005.

Small Community Wastewater Grant Program (SCWG)

The SWRCB adopted the Competitive Project List (CPL) on October 21, 2004. Agencies with projects on the statewide list have been notified of their ranking. The agencies with projects in Class A and Class B are eligible to compete for grant funds and must proceed quickly for the chance at obtaining a share of available funds. Agencies should contact their Project Manager promptly for details. Only one project, from the Anza Facilities District, was submitted from the San Diego Region. Information on this grant program can be found at <http://www.swrcb.ca.gov/cwphome/scwg/index.html>.

State Revolving Fund Loan Program

The SWRCB will soon announce that the State Revolving Fund (SRF) program has resumed accepting and processing application for SRF loans. This effort is in anticipation of funding being available for new loans around May 2005, after the completion of a revenue bond sale.

4. San Diego Municipal Storm Water Permit Update (Phil Hammer)

Compliance evaluations of the Copermittees' urban runoff management programs continue to be a priority. The compliance evaluations are detailed assessments of each municipality's overall success in meeting the requirements of the San Diego Municipal Storm Water Permit (Permit). The urban runoff management programs of the City of Coronado, City of Solana Beach, and Port of San Diego were evaluated on November 8-10, 2004. Nineteen of the twenty-one San Diego County Copermittees have now been evaluated since adoption of the Permit in February 2001. A compliance evaluation of the City of Del Mar is also scheduled for December 6-8, 2004. A report containing the findings of the four most recent compliance evaluations is expected to be finalized in approximately one to two months. Once finalized, this report will be available for review upon request.

5. Statewide Policy for the Implementation of the Storm Water Program (Phil Hammer) (Attachment B-5)

The State Water Resources Control Board (State Board) plans to develop a statewide Policy for the Implementation of the Storm Water Program (Policy). The Policy is expected to provide guidance to the Regional Boards to be used during implementation of the storm water program, including, but not limited to, development of storm water

permits, evaluation of permit compliance, and assessment of effectiveness of management plans.

A preliminary list of topics which may be addressed by the Policy has been developed by the State Board. The State Board will conduct a series of public "listening sessions" to gather input on the topics to be addressed by the Policy. An announcement regarding the Policy and the "listening sessions" is attached (Attachment B-5). The Regional Board intends to participate actively and provide input during the development of the Policy. Updates will be provided as this issue progresses.

6. Stormwater Monitoring Coalition of Southern California—3rd Annual Report (Michael McCann) (Attachment B-6)

Attached is a copy of the 3rd Annual Report of the Stormwater Monitoring Coalition (SMC), a coalition of stormwater management agencies and regulators providing direction on research work for stormwater monitoring in southern California. This 3rd Annual Report summarizes the following three project accomplishments: 1) Development of Standardized Sampling and Analysis Protocols, 2) Peak Flow Impacts, and 3) Building a Regionally Consistent and Integrated Freshwater Stream Bioassessment Monitoring Program. The SMC will continue to develop a research agenda to improve stormwater monitoring and provide technical information to stormwater agencies. Michael McCann and Megan Quigley represent the San Diego Regional Board on the SMC.

7. Status Report on Shelter Island Yacht Basin Total Maximum Daily Load for Dissolved Copper (Lesley Dobalian and Christina Arias)

The Regional Board will deliberate and consider adoption of the Tentative Resolution amending the Basin Plan to incorporate the Shelter Island Yacht Basin (SIYB) total maximum daily load (TMDL) for Dissolved Copper at its February 2005 meeting. Public testimony on the TMDL was received by the Regional Board in a public hearing on December 10, 2003. Because the technical derivation of the TMDL, pollutant load allocations and reductions is complex, and in order to bring the Regional Board up to date on important changes to the TMDL since the December 10th hearing, a status report is attached to this Executive Officer's Report (Attachment B-7).

A copy of the transcript from the December 10, 2003 Regional Board Public Hearing is available in hard copy, on a floppy disc, or on CD. Board Members who did not attend the December 10th hearing on the TMDL must read the transcript of the hearing in order to deliberate on the adoption of the TMDL. The transcript will be sent to the Board members on a floppy disc two weeks before the scheduled February 11, 2005 adoption item. However, any Board member wishing to receive the transcript earlier may request a copy from Ms. Lesley Dobalian by phone (858 637-7139) or by email at ldobalian@waterboards.ca.gov. The Technical TMDL Report and associated documents may be accessed via our web site.

8. Mission Bay Recreational Vehicle Park Violations (*Mike Porter*)

At the November 10, 2004 Regional Board meeting, Ms. Margie Peary, resident of the Mission Bay Recreational Vehicle Park, spoke during the public forum. Ms. Peary commended the Regional Board for inspecting the construction activities at the Mission Bay Recreational Vehicle Park and issuing a Notice of Violation to the City of San Diego for violations observed. Ms. Peary requested future inspections of the Park to ensure compliance.

The City of San Diego's Mission Bay Recreational Vehicle Park (2727 De Anza Cove Road) is undergoing construction activities. Semi-permanent, residential recreational vehicles are being removed from the park by the City. The park was inspected by the Regional Board staff Mike Porter on September 29, 2004, in response to a complaint received two days earlier. The complaint was that the City was not implementing Best Management Practices [BMPs] during the course of vehicle and pad removal and that construction pollutants were being discharged to Mission Bay.

The inspection revealed two violations of the State Water Resources Control Board Order No. 99-08-DWQ, of the National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000002, Waste Discharge Requirements for Discharges of Storm Water Runoff Associated with Construction Activity (Construction Permit):

- The City did not file for coverage under the Construction Permit; and
- The City failed to implement BMPs to pursuant to the Construction Permit.

A Notice of Violation and request for Technical Report was issued to the City on October 1, 2004. The City responded before the deadline and indicated that coverage under the Construction Permit has been gained and BMPs have been implemented.

Because of its proximity within Mission Bay and the eventual size of the project (150+ acres), the Regional Board will frequently inspect this facility until construction is complete.

PART C **STATEWIDE ISSUES OF IMPORTANCE TO THE SAN DIEGO REGION**

There are no items to report in Part C this month.